IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

Bail Appl..No. 769 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.7713/2006 Dated 09/01/2007

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PETITIONER/ACCUSED 2 & 3

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1. JOSEPH @ KUNJACHAN, S/O.THOMAS,
   THAIPARAMBIL HOUSE, P.O.POONCHOLA,
   MANNARKKAD.

2. THOMAS @ JOJI, S/O.VARGHESE,
   THAIPARAMBIL HOUSE, P.O.POONCHOLA,
   MANNARKKAD.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: COMPLAINANT

STATE REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING THE S.I. OF POLICE,
MANNARKKAD.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.769 of 2007

DATED: 9th February , 2007

O R D E R

Petitioners who are accused Nos. 2 and 3 in Crime No. 946 of 2006 of Mannarkkad Police Station for an offence punishable under Sec. 3 read with Sec. 25 (1) (a) of the Arms Act, 1959, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that the petitioners had trespassed into the reserve forest and killed a mouse deer on 18-12-2006 using a country gun. The present case is concerned with that part of the incident involving the offence under the Arms Act. Earlier application filed by the petitioners for anticipatory bail with regard to the forest offence was disposed of by this Court on 09-01-2001 directing them to surrender before the Investigating Officer for interrogation and thereafter to have their regular application disposed of by the Magistrate. It is admitted that pursuant to the said order petitioners surrendered before the investigating officer and on production before the Magistrate they were released on bail. I do

not find any reason to pass a different order in this case also. Accordingly, the petitioners are directed to surrender before before the investigating officer on any day between 13-02-2007 and 15-02-2007 for the purpose of interrogation. Thereafter, they shall be produced on the same day before the concerned Magistrate who shall release them on bail on appropriate conditions.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

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